



New Attorney Docket: PAT-1624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	Art Unit: 3611
Lindby)	
)	Examiner: Anne Marie Boehler
Serial No.: 10/777,527)	
)	
Filing Date: February 12, 2004)	
)	
For: Motorcycle Engine Guard with)	
Retractable Footrests)	
<hr/>		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

Sir:

The undersigned, Per Lindby, hereby declares and states as follows:

1. The present application was filed on February 12, 2004.
2. The purpose of this Declaration is to establish conception of the invention of this application in the United States at a date prior to December 1, 2003, coupled with due diligence from prior to December 1, 2003, to February 12, 2004, where December 1, 2003, is the earliest possible priority date that can be relied upon by Pub. No. US2005/0116443, which was cited in the Final Office Action dated June 28, 2005, for the above-referenced patent application.
3. The undersigned is the sole inventor named in the above-referenced application.
4. To establish the date of conception of the invention of this application, the following attached document is submitted as evidence: one

drawing of the present invention, dated prior to December 1, 2003 (date redacted), which corresponds to a portion of FIG. 7 of the present application. This drawing is labeled as Exhibit 1. This drawing shows the cut-out region, and the footrest pivotably coupled to (and fitted inside) the cut-out region, that are recited in claim 18 of the present application.

5. The document in Exhibit 1 referenced above has a date that has been redacted for the public record. However, the redacted date is prior to December 1, 2003.

6. To establish due diligence from prior to December 1, 2003, to February 12, 2004, the following attached document is submitted as evidence: a letter dated December 8, 2003 from Karla Shippey (the undersigned's previous patent attorney) to the undersigned regarding the drafting of the present patent application. This letter is labeled as Exhibit 2.


7. Based on the above, it can be seen that there was conception of the invention in the United States prior to December 1, 2003, coupled with due diligence from prior to December 1, 2003, to February 12, 2004.

8. The present application was diligently filed on February 12, 2004, following review and finalization of the draft application by the undersigned inventor.

9. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

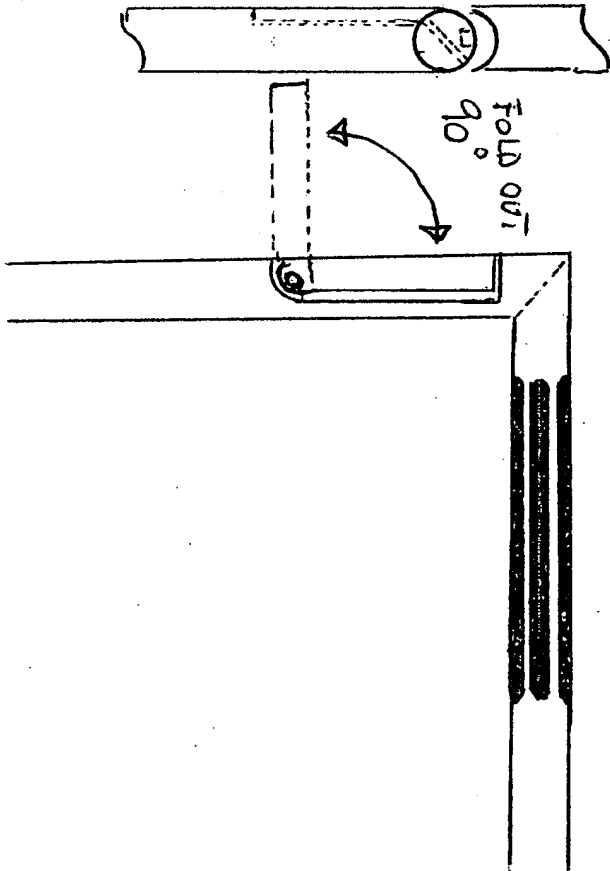
Date: July 25, 2005

By: _____


Per Lindby
Inventor

DESIGNS OF COMBINED ENGINE GUARD AND HIGHWAY PEG
W/ FOLD OUT FOOT PEG INCORPORATED INTO PRODUCT.

DESIGNED BY PEE LUDBY
320 E CROWTHER AVE
PLACENTIA CA 92870



LOWER LEG
MADE OF
FORGED STEEL
W/ NOTCHED AREA
FOR FOLD OUT
FOOT PEG SECURED W/ ALUMINUM
TIE DOWN TUBE

Exhibit 1



KRISTIN KIRKWOOD



PATENTS * TRADEMARKS * COPYRIGHTS
WILLS * TRUSTS * ESTATE PLANNING
CONTRACTS * BUSINESS TRANSACTIONS



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Via U.S. Post

December 8, 2003

Per Lindby
Lindby Customs, Inc.
320 East Crowther Ave.
Placentia, CA 92870

Re: US Utility Patent Application for "MOTORCYCLE ENGINE GUARD WITH FOOTREST"
In the name of Per Lindby

Dear Mr. Lindby:

Please find enclosed our invoice nos. 773 & 774 for your patent applications. Michael is ready to begin work on your utility patent and therefore requests an initial retainer of \$1,375.00 on invoice no. 774. We will re-invoice you for \$1,965.00, the remainder of the invoice, when we receive your approval on the draft patent application. The second payment will be due prior to the actual filing of the application, as it includes the government fees as outlined on your invoice.

As we have completed all work on the design patent, invoice no. 773 is current due and payable. We have posted your previous payments to this invoice. Please also note that we will be using the same drawings on your utility patent application that we submitted with the design patent application. Therefore, you will not be invoiced for any further drawings.

If you have any questions or concerns, please do not hesitate to contact us. In the meantime, we look forward to receiving your payment.

Kind regards,

Kristin Kirkwood
Paralegal
Law Offices of Karla Shippey

Exhibit 2